

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 487, "An Act authorizing the Board of Directors of Texas A & M University to accept James Connally Air Force Base on behalf of the State of Texas and to establish thereon the James Connally Technical Institute of Texas A & M University offering vocational and vocational-technical education programs, providing for severability; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 28, "An Act making it unlawful for any person formally charged with or convicted of a misdemeanor and confined in jail to escape therefrom, or the lawful custody of an officer, or any person authorized by law to have such person in his custody; defining terms; prescribing a penalty for violation thereof; enacting other provisions relating to the subject; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 21, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 123, "An Act to amend Acts, 1943, 48th Legislature, Page 619, Chapter 358, as amended by subsequent Acts, the latest amendment being Acts, 1961, 57th Legislature, 1st Called Session, Page 18, Chapter 5, known as and codified as Article 6243g of Vernon's Annotated Texas Statutes relating to municipal pension systems in certain cities of this

State; providing for severability; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to the Governor

April 21, 1965

S. B. No. 407  
S. B. No. 226  
S. B. No. 174  
S. B. No. 28  
S. B. No. 487  
S. B. No. 123  
S. C. R. No. 74  
S. C. R. No. 54

### FIFTY-THIRD DAY

(Thursday, April 22, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

(Senator Aikin in the Chair.)

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Hardeman, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 72, Granting permission to the alleged lineal heirs of William Pelham Humphries to sue the State of Texas.

H. C. R. No. 94, Creating a Committee for the restoration of the flag of Santa Anna.

H. C. R. No. 96, Commending Mr. Cletus Grady, etc.

S. J. R. No. 44, Proposing an amendment to Sections 2, 3, and 25 of Article III of the Constitution of the State of Texas so as to provide for an increase in the membership of the State Senate from 31 to 39 members, to fix the membership in the House of Representatives at 150 members, to increase the length of senator's terms from four to six years, to require apportionment of the senate according to population, and to delete the limitation that no single county is entitled to more than one Senator.

(With amendments.)

S. J. R. No. 47, Proposing an amendment to the Constitution of the State of Texas to provide for six-year terms of office for Senators and four-year terms of office for Representatives.

(With amendment.)

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### Reports of Standing Committees

Senator Herring submitted the following reports:

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 395, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 193, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 224, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 401, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 637, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 37, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with amendments, and be printed.

HERRING, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Juris-

prudence, to which was referred S. B. No. 514, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 520, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 478, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HERRING, Chairman.

Senator Calhoun submitted the following reports:

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred H. B. No. 498, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CALHOUN, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred S. B. No. 442, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

CALHOUN, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Oil and Gas, to which was referred S. B. No. 395, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, and be not printed, but that the Committee Substitute, passed in lieu thereof do pass and be printed.

CALHOUN, Chairman.

C. S. S. B. No. 395 was read the first time.

Senator Parkhouse submitted the following report:

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 69, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PARKHOUSE, Chairman.

Senator Hazlewood submitted the following reports:

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 319, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 273, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 1055, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 466, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred H. B. No. 120, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HAZLEWOOD, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 315, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

HAZLEWOOD, Chairman.

(President in the Chair.)

#### Senate Joint Resolution 44 with House Amendments

Senator Crump called S. J. R. No. 44 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and the following House amendments before the Senate:

#### Committee Amendment No. 1

Amend Senate Joint Resolution No. 44 by striking all below the resolving clause and substituting the following:

Section 1. That Sections 2, 3, 4, and

25, Article III, Constitution of the State of Texas, be amended to read as follows:

"Sec. 2. The Senate shall consist of 39 members, and shall never be increased above this number. The House of Representatives shall consist of 150 members.

"Sec. 3. The Senators shall be chosen by the qualified electors for the term of six years; but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the first two years, those of the second class at the expiration of four years, and those of the third class at the expiration of six years, so that one-third of the Senators shall be chosen biennially thereafter.

"Sec. 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be four years from the day of their election. Except for special elections to fill vacancies, all members of the House of Representatives shall be elected at the same election. The four year term of office provision of this section applies only to members of the House of Representatives elected at the first general election held after the amendment to this section is adopted and thereafter.

"Sec. 25. The state shall be divided into Senatorial Districts of contiguous territory according to population, as nearly as may be, and each district shall be entitled to elect one Senator.

"Should the Legislature enact any enabling legislation in anticipation of this amendment, no such laws shall be void by reason of its anticipatory nature.

This amendment shall become effective upon its adoption."

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this state at an election to be held on the 7th day of August, 1965, at which election all ballots shall have printed on them the following:

"FOR the Constitutional Amendment increasing the membership of the State Senate from 31 to 39 members, retaining the present membership of the House of Representatives, increasing the length of Senators' terms from four to six years, increasing the length of Representatives'

terms from two to four years, requiring apportionment of the Senate according to population, and deleting the limitation that no single county is entitled to more than one Senator.

"AGAINST the Constitutional Amendment increasing the membership of the State Senate from 31 to 39 members, retaining the present membership of the House of Representatives, increasing the length of Senators' terms from four to six years, increasing the length of Representatives' terms from two to four years, requiring apportionment of the Senate according to population, and deleting the limitation that no single county is entitled to more than one Senator."

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for the election and this Amendment shall be published in the manner and for the length of time as required by the constitution and laws of this state.

#### Amendment No. 2

Amend quoted Sec. 4 of Section 1 of the Nugent Amendment by adding a sentence at the end of quoted Section 4 to read as follows:

"Provided, however, that no member of the Legislature shall be precluded or prohibited from being eligible as a candidate for public office by reason of the fact that his term as a member of the Legislature shall not have expired at the beginning of the term for which he is a candidate, notwithstanding any provision of this Constitution to the contrary."

#### Amendment No. 3

Unanimous consent granted to amend caption of S. J. R. No. 44 to conform to body of bill.

The amendments were read.

Senator Crump moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the resolution.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the resolution: Senators Crump, Hardeman, Kazen, Word and Strong.

#### Committee on House Concurrent Resolution 15

The President announced the appointment of the following committee, pursuant to the provisions of H. C. R. No. 15: Senators Herring and Bates.

#### Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 48, A bill to be entitled "An Act relating to the appointment, compensation and duties of a shorthand reporter for the 146th Judicial District of Texas; and declaring an emergency."

#### Senate Bill 526 on First Reading

The following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Patman:

S. B. No. 526, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas, comprising certain territory contained in Live Oak County, Texas, to be known as Three Rivers Water District; constituting the same a governmental agency and body politic and corporate and a municipal corporation; defining the boundaries thereof and finding that all land and property therein will be benefited and no exclusion hearing shall be held, and that no election shall be necessary to confirm the organization of the District nor shall hearings be held on a plan of taxation but the ad valorem plan shall be used; prescribing the rights, powers, privileges and duties of said District and incorporating the General Law pertaining to water control and improvement districts not in conflict or inconsistent with the provisions of this Act; providing for a board of directors, their terms, the filling of vacancies, the election of successors, and prescribing the duties and qualifications for such directors; prescribing the purpose for which bonds may be issued; the methods of securing the payment and the procedure for the issuance of such bonds; requiring all bonds payable in whole or in part from taxes, except refunding bonds, to be approved by the resident qualified property tax-paying voters whose property has

been duly rendered for taxation and providing terms and conditions for the issuance of bonds and the sale thereof; prescribing the manner in which such elections shall be called, held and notice thereof given; exempting the District's bonds from taxation; providing that the District shall have the power to fix rates and charges for services furnished; providing for a District depository and its selection; making applicable to the District Title 52, Revised Civil Statutes of Texas, as amended, relating to eminent domain and providing that the cost of relocation, raising, rerouting, or changing the grade or altering the construction of any highway, railroad, electric transmission line or telegraph properties and facilities shall be borne by District; enacting provisions relating to contracts with a city and providing that the District may acquire water rights under certain terms and conditions; providing that bonds of the District shall be authorized investments in certain instances and shall be eligible to secure the deposit of certain funds; declaring the District essential; making certain findings relating to the publication of the notice of intention to apply for the passage of this Act; enacting provisions incident and relating to the subject; providing a severance clause; and declaring an emergency."

To the Committee on Water and Conservation.

(Senator Aikin in the Chair.)

#### Senate Resolution 519

Senator Hardeman offered the following resolution:

Whereas, One hundred and twenty-nine years ago yesterday, occurred one of the most important battles of history. Seven hundred and eighty-three Texans, under General Sam Houston, defeated between 1,500 and 2,000 Mexicans under Santa Anna, the self-styled Napoleon of the West.

Whereas, There should never be a 21st day of April of any year that every Texan doesn't thank God that he is a Texan; that he doesn't look back with pride on the day one hundred and twenty-nine years ago that Sam Houston achieved, with his little army, the independence of Texas. We should always keep in mind the importance of that victory. The whole United States of America, the West-

ern Hemisphere, and every citizen of any of the republics of this hemisphere should be proud of the Texas Army and what they did at San Jacinto. The people of the United States, especially, should celebrate the 21st day of April, because it meant so much, not only to the grand old State of Texas, now a part of the American Union, but to the entire country.

Whereas, We ought to sit up and think about the consequences of that battle that day one hundred and twenty-nine years ago. That was the deciding factor that added to the American Union not only the magnificence of the State of Texas, with its wonderful natural resources, but all of the States of New Mexico, Arizona, California, Nevada, Oklahoma, Kansas, and some of Wyoming—almost one-fourth of the present United States—the greatest cattle section of the world, an area that now produces nearly one-half of the oil of the entire United States. That was all added because of the Texas army of a little more than seven hundred men one hundred and twenty-nine years ago who wrested this country from the tyranny of Mexico.

And that is not all of Texas' contributions; it is not all the results of that famous battle. It has given to the United States of America some of its leading statesmen like Sam Houston, Richard Coke, John H. Reagan, and Jim Hogg.

And today every Texan ought to be thankful of the fact that he is a Texan, the fact that he is the most fortunate man in the place of birth or place of adoption in the whole world, because of the grandeur and greatness of Texas, in which we take the greatest pride.

Whereas, We pause today briefly to pay respectful tribute to the memory of those intrepid Texans from whom we have inherited the traditions of liberty.

Texas and Coahuila was the name of the territory north of the Nueces River, now known as Texas. From the time of Mexico's independence from Spain it was a part of Mexico. About the year 1821, Moses Austin, an American, was granted a large tract of land in Texas under the condition that he should colonize it with not less than five hundred families. This he and his son, Stephen F. Austin, who carried on his work, attempted to do, but the policy of Mexico towards the colonists was one of

oppression to which the Americans would not submit.

The tide that the Austins set flowing ran for nearly a decade before the Mexican government took steps to halt it, and in those years some 30,000 people, colonists and their slaves, came in to give the Texas land a wholly new population, for they quite outnumbered the 3,000 Mexicans who were the only possessors after a whole century of Spanish settlement.

Eventually, the Mexican government repented of its liberality, brought the current of immigration to a stop, sought in various ways to curtail the autonomy of the Texans and to impose its way of life upon them. An army was sent among them to forestall opposition. The first crisis was weathered, but within a few years Mexico passed under the dictatorship of Santa Anna, and no rights seemed to be beyond the reach of an arbitrary military regime. Just as the American colonists of 1774 had appealed to the British Constitution and to their rights as Englishmen, so the Texas colonists of 1834 appealed to the liberalism of the Mexican Revolution and to the suppressed Mexican constitution. But the hand of power was not stayed, and in September of the following year, just as General Gage had sent out to seize the stores of Concord in 1775, so Colonel Ugartechea sent out to seize the brass cannon at Gonzales. The first skirmishes took place and like the Continental Congress, the Texas Consultation issued its declaration of causes for taking up arms. The delegates of the Texas Convention at Washington-on-the-Brazos put their signatures to a document which began:

"When a government has ceased to protect the lives, liberty and property of its people, from whom its legitimate powers are derived—"

It was a declaration of independence, and Texas had its fourth flag—its own flag.

Santa Anna had destroyed constitutional government. He had usurped the powers of the legislative and the judicial branches of the government. He had destroyed freedom of speech, freedom of press, right of trial by jury—privileges which were declared by those 58 delegates to be "The palladium of civil liberty and the only safe guarantee for the life, liberty and prosperity of the citizen." (Not

a declaration against Mexico or Mexicans but a declaration against a cruel ruler who had seized the government of Mexico and had suspended all constitutional provisions.)

The suppression of these rights by a dictator constituted a challenge to the liberty-loving instincts of our forefathers. They accepted that challenge and one hundred and twenty-nine years ago laid down the political doctrine that the people of Texas would never be ground under the heel of a tyrant, no matter what the cost.

The convention of 58 delegates, three of whom were Mexicans, gave to posterity one of the world's great documents of liberty. We know it as the Texas Declaration of Independence. It was the instrument which wrested a colony of depressed people from the tyrannical rule of a dictator and transformed them into stalwart citizens of a free republic.

After the declaration, there followed 60 of the most colorful days in the pages of history. The Alamo became the symbol for heroic sacrifice on the altar of freedom. San Jacinto became enshrined in the hearts of all Texans as the noblest example of bravery on the battlefield. It proved to be the greatest triumph on American soil in the cause of freedom. These momentous events occurred within two months following the declaration on March 2, 1836. They deserve this commemoration as evidence of our reverence and respect.

It is a thought worthy also of remembrance that the debacle of the Alamo and the massacre at Goliad were both the result of a dictatorship. Human lives and human rights are no longer safe when a ruler usurps the powers of constitutional government.

The Alamo fell, a prey to the ruthlessness of the tyrannical Santa Anna. On March 6, 1836, it was surrounded and captured by an overwhelming army of Mexicans; the few Americans or Texans survivors who were taken prisoners were massacred under circumstances of atrocity. Among those were David Crockett, Colonel Travis, James Bowie and many others who had destinguished themselves.

The appeal of Colonel William Barrett Travis should be read on every occasion commemorating the Texas revolution. It is an evidence of the heroism and the price paid for the

liberty we enjoy. Permit me to quote that appeal:

"Fellow citizens and compatriots, I am besieged by a thousand or more Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword if the fort is taken. I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender nor retreat. Then, I call on you, in the name of liberty, or patriotism, and everything dear to the American character, to come to our aid with all dispatch. The enemy is receiving reinforcements daily, and will, no doubt, increase to three or four thousand in four or five days. If this call is neglected I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country. Victory or death!"

Travis did not surrender or retreat, but died like a soldier, as did his entire command. Yes; "Thermopylae had its messenger of defeat; the Alamo had none."

It remained for Sam Houston to avenge the Alamo. It is impossible to visit the battlefield of San Jacinto without marveling at Houston's courage. He deliberately chose a battlefield from which there would be no escape if things went badly, and he lured his enemy into that field. Circled by the San Jacinto River, a marsh, and Vince's Bayou, and with Buffalo Bayou at his back, he directed the destruction of the bridge over Vince's Bayou. He had determined to end the war on this field, from which there was no escape. All went well. He won the battle and freed an empire. It was one of the decisive battles of history, although lasting only 20 minutes. Outnumbered more than two to one, this victory for the Texas forces won the war.

Ten years later with no loss of liberty to the individual Texan, and no loss of self-government, and no breach of continuity, independent Texas became one of the United States.

Who were these Texans who had won their independence as a sovereign republic, sustained it for 10 years, and now voluntarily surrendered it? The answer is simple: they were Americans, who had come to

Texas from all parts of the American Unions, and who were simply resuming the old political relationship with their former fellow citizens.

Texas has won the admiration of the world for its progress during the past one hundred and twenty-nine years. The exemplary conduct of Texas' sons in the war just concluded serves to justify the hopes and aspirations of our patriotic forefathers who declared that Texas would be free and independent.

We may draw a comparison between the Texas struggle in 1836 and the war which we have recently been engaged in. In both, we suffered early ghastly losses—Goliad and the Alamo, Pearl Harbor and Bataan. We find the military commanders in both instances biding their time, in the face of bitter criticism. Then the final, ultimate crushing blow, which avenged the early defeats and achieved complete victory.

Texans made a glorious record in 1836 and they distinguished themselves just as gloriously in this last great war; for the cause was the same as it was one hundred and twenty-nine years ago. Then, Texans won a victory for Texas. Recently, Texans have given of their blood and courage to win a victory for the United States of America and for all peace-loving people everywhere.

The memory of this occasion is evidence that Texans have not ceased to venerate the memory of its heroes of 1836. This important history has a very general American significance, and this therefore is an anniversary in which all Americans may take pride. We of Texas feel that we have a double heritage of independence. Two countries are ours, two flags are ours, two glorious histories are ours. We may add to the glamor of Lexington and Concord the glory of the Alamo and San Jacinto. We know that the fires of patriotism burned in the breasts of Washington, Greene, Wayne and other famous chieftains of their day, but we know also that the cause of freedom had worthy advocates in Austin, in Houston, in Bowie, in Travis, in Crockett, and the scores of others who had made resplendent the pages of Texas history. Today we celebrate Texas history; it is also American history. This anniversary is a day for our remembrance and for our proper observance. Let us pledge anew that, as worthy successors of Texas' gallant



heroes, we shall prove true to the wondrous heritage of freedom which Texans in recent years as in the past, have struggled mightily to preserve.

Let us today celebrate the greatness and glory of both Texas and the nation, and indulge in the hope that the Lone Star State may continue to be a conspicuous part of this great Republic.

Whereas, On the 27th of March, General Houston, with the main body of the Texas army, reached the Brazos at San Felipe, from whence, for the sake of a secure position, he proceeded some distance above, to Grosse's Retreat, leaving a force of about two hundred men under Captain Baker to guard San Felipe, and sending another small detachment farther down, to Old Fort, to guard the crossing there. At Grosse's, General Houston availed himself of a steamboat, with which to move his troops suddenly to any point they should be needed.

On the 29th, there was a false alarm of the approach of the enemy on San Felipe, whereupon the inhabitants hastily moved their goods across the Brazos, and set fire to the town.

Whereas, Early on the morning of the 10th of April, the advance of the enemy's cavalry appeared at San Felipe, and soon after the main body. General Houston kept a most vigilant eye on their movements. They were prevented from crossing the river at San Felipe by the high waters, as well as by the force opposed by Captain Baker.

On the 11th, it was ascertained that a division of the enemy had begun to cross the river at Old Fort, and that another division had reached Brazoria by way of the coast; whereupon General Houston made preparations to cross his troops over the river, which was effected on the 12th.

Whereas, From the Brazos, General Houston took the line of march eastward, to "Donahue's," at which place roads, running in the direction of Nacogdoches and Buffalo Bayou, intersect. Having previously, from the Brazos, sent dispatches East, to the Red Lands—threatening to carry the war to their doors if they did not turn out—and also orders to volunteers from the United States, then advancing to join him, to halt and fortify on the Trinity, General Houston, on leaving Donahue's, was about

to take the road in the direction of Nacogdoches, but circumstances fortunately directed his march towards Harrisburgh.

Whereas, The division of the enemy, which had now crossed the Brazos, was commanded by Santa Anna in person, who, not knowing the force and position of General Houston, seems to have thought that the war was over, and that Texas was won; he, therefore, hastily proceeded to take possession of the small towns of Harrisburgh and New Washington, which places he caused to be burned on the 17th and 20th. But he was mistaken—and never was a man more awfully mistaken; the Texans were close upon him; on the 18th they arrived opposite Harrisburgh. During the day, very opportunely for the Texans, and unfortunately for the enemy, a Mexican courier was taken by that most able Texan spy and brave soldier, Deaf Smith. By this courier General Houston got possession of dispatches and documents showing the situation, numbers, plans, and movements of the enemy. On the morning of the 19th, the Texan army crossed and proceeded down the right bank of Buffalo Bayou, to within about a half mile of its junction with the San Jacinto. Here, on the morning of the 20th, they took up a position in the edge of timber skirting the Bayou, having the timber in the rear, and in front an extensive prairie, interspersed with a few islands of timber.

Fortunately for the Texans, they had now received two pieces of artillery, and, more fortunate still, were about to meet with but one division of Santa Anna's army, and that commanded by himself in person; having thus the chance of striking a decisive blow, with comparatively little risk.

Whereas, They had occupied their position but a short time, when Santa Anna came marching up in front, with his army in battle array. He was repulsed by a discharge from the Texan artillery, whereupon he fell back, and with his infantry occupied an island of timber about a quarter of a mile distant from the left of the Texan encampment; a little more remote, to the right of the same, he planted his artillery; and at an intermediate point, his cavalry.

During the day there were several skirmishes between the two armies. One of the most important, as subsequently related by General

Houston, was between the Texan artillery and the Invincibles of Santa Anna. Just as the former had reached the summit of a swell in the prairie, the latter, in their imposing uniforms of high white caps and white pantaloons, appeared dashing down the opposite swell. The Texans opened a fire of their artillery, when the Invincibles, taken by surprise, broke and retreated. In the result of this affair, the Texans not only had a decided advantage over the enemy, but gained confidence. The "Invincibles" had yielded.

Whereas, Another action of some importance was towards the close of the day, between about eighty men under Colonel Sherman and the enemy's cavalry. This was at the distance of about three quarters of a mile from the Texan camp, near the San Jacinto, where the enemy had then taken a position in the edge of the timber skirting the river, from whence, in front of their camp, they had thrown up a considerable breastwork. Sherman went out to reconnoitre and to get possession of the enemy's artillery, supposed to be at an intermediate point between the two encampments; with the understanding that he was to be sustained by the body of infantry under Colonel Willard, which was at the same time drawn out. Not finding the piece of artillery, which had been removed, Sherman proceeded to reconnoitre. Seeing the enemy's cavalry drawn up in front of their entrenchment, ready for an engagement, he charged upon them, drove them back behind their infantry, sustained the fire of the latter for some minutes and then, in danger of being surrounded and cut off by superior numbers, after having performed some feats of daring chivalry, retreated, with the loss of advantage, though not of credit.

During the morning, the ever memorable morning, of the 21st, the enemy, reinforced by five hundred choice troops under General Cos, were seen actively engaged in fortifying their position. It was time that the great conflict for the soil of Texas should be decided; the Texans were impatient; delay would only increase the already great disparity of the forces opposed. General Houston held a council of his officers. It was determined to attack the enemy at their breastwork. General Houston relied upon the impetuosity of Texans in a charge; he was not deceived. He gave

orders for the bridge over Sim's Bayou, on the only accessible road to the settlements on the Brazos, to be destroyed, to prevent all escape; and at half past 3 o'clock p.m. the army began to move in three divisions. The General himself led the van. They moved on with the stillness of death; not a drum, nor fife, nor voice was heard. Everyone was rousing his soul for the conflict. When within two hundred yards of the enemy, they were formed in a line of battle, and received with a shower of musket balls and grapeshot. They then marched to the attack with trailed rifles—silent, but swift and determined. When within seventy yards the word was given, "fire!"—and an instantaneous blaze poured upon the enemy the missiles of destruction, literally moving them down into the arms of death. Then the word "charge!" was given, accompanied by the soul-stirring tune of "Yankee Doodle." The effect was electrical; language cannot describe its exhilarating power; new ardor seized the souls of the Texans; their native country, her victories and her power, came to their minds; they felt that they were invincible. "Yankee Doodle" was heard above the roar of arms; and, with the shout of "the Alamo," they rushed upon their foe—and victory rewarded their valor, and vengeance atoned for their wrongs. Seven hundred Mexicans lay a sacrifice to the shades of departed heroes slaughtered at the Alamo and Goliad.

Thus ended the glorious battle of San Jacinto, and the Mexican dominion in Texas.

Whereas, Few battles of the world have been more decisive and tremendous in their influence over civilization than the Battle of San Jacinto. It changed the map of the North American continent and opened the way for the United States to extend its boundary to the Rio Grande on the southwest and to the Pacific Ocean on the west. It sealed the destiny of the Texas Republic; confirmed its Declaration of Independence; drove from the country east of the Rio Grande an invading host, and established liberty where tyranny sought to enthrone itself. The slaughter of the defenders of the Alamo; the murder of Fannin's command at Goliad; the butchery of Ward's and King's troops were the compelling events which drove Houston's brave men to fight like demons when the

imperious Mexican faced them on the field of battle.

On his retreat from the Colorado and Brazos, Houston reached a point opposite Harrisburgh on the Buffalo Bayou April 18th. From here he sent his scouts, Henry W. Karnes and Deaf Smith, across the bayou in search of information of the Mexican army. They soon returned to Houston's camp with two Mexican couriers carrying dispatches from General Filisola to Santa Anna. This was the first information Houston had received that Santa Anna was personally in command of those troops. Orders were at once given to cross the bayou, the companies were formed into line, and Houston rode up and addressed them. He told them that they must prepare for battle. That the enemy was near, and whenever and wherever he was found he proposed to give battle. He gave them as the battle cry, "Remember the Alamo! Remember Goliad!" Instantly the words were shouted out by every man present. General Houston referred to the cruelties of Santa Anna's army; the slaughter of Travis; of Crockett; of Bowie; of Fannin; of Ward; of King, and their companies; and told them that the opportunity for revenge was near; that a battle was inevitable and victory was sure. General Rusk followed Houston with a strong appeal to the army to act well their part in the battle soon to take place. "They are better equipped than we and their numbers are greater, but God and right are with us and will give us the victory," he said.

Whereas, These addresses greatly inspired every man of the little army, and they awaited only the orders to march. The order was soon given, and the little band fell into line without the beat of a drum or the floating of banners, resolved to conquer or die. And as they marched toward Santa Anna's troops few words were spoken. Their minds and hearts were fixed on home, their families, their country. Reaching a point a few miles from where the supreme struggle was to be made, the army halted. The weary men took shelter under the cover of a grove and slept a short time. General Houston rose at daybreak. Pickets were advanced from every direction and scouts were sent out. The scouts soon returned with the information that Santa Anna with his army was not

far distant. As soon as the scouts returned with the information that Santa Anna's army had been located, fires were built preparatory to the cooking of the beeves previously dressed.

Whereas, April 21st has been set aside as a state-wide holiday and is generally observed; and

Whereas, The Senate has shown a callousness and a complete disregard for the importance of this outstanding event in the history of our State and Nation, by failing to properly observe this memorable day; now, therefore, be it

Resolved, By the Senate of Texas, That the Senate pay proper tribute and respect to the memory of those great heroes who were responsible for our Liberty and Freedom, and that when the Senate adjourns today, it do so in honor of the immortal heroes of San Jacinto.

On motion of Senator Hardeman and by unanimous consent the reading of the resolution was dispensed with and Senator Hardeman explained the resolution.

(President in the Chair.)

Question—Shall S. R. No. 519 be adopted?

#### Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 526, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to which was referred S. B. No. 218, have had the same under consideration, and I am

instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

DIES, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to which was referred S. B. No. 426, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

DIES, Chairman.

C. S. S. B. No. 426 was read the first time.

#### Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. J. R. No. 14, Proposing Amendments to Sections 4, 22 and 23 of Article IV of the Constitution of the State of Texas, so as to provide a four year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Secretary of State; providing for the necessary election and the form of the ballot; and providing for the necessary proclamation and publication.

S. C. R. No. 76, In memory of Dr. Harmon Lowman.

#### Executive Session

Senator Krueger announced the time had arrived for the Senate to go into Executive Session at 10:30 o'clock a.m. today. (The motion for Executive Session having been made on yesterday.)

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate

informed the Journal Clerk that the Senate had confirmed the following nominations:

To be branch pilots for the Ports of Galveston County, for two-year terms to expire April 1, 1967: Albert F. Schurig of Galveston, Galveston County; Ereal H. Goodwin of Galveston, Galveston County; Harry L. Coker, Jr., of Galveston, Galveston County. For a two-year term to expire April 15, 1967: Ernest E. Lance of Galveston, Galveston County.

To be members of the Board of Directors of the Trinity River Authority, to fill the unexpired term of John D. Smithers, deceased, term to expire March 15, 1965: A. C. Spencer of Huntsville, Walker County. For six-year terms to expire March 15, 1969: Paul H. Cauthan, Jr., of Trinity, Trinity County; Bernice Finger of Shepherd, San Jacinto County; J. D. Kirven of Waxahachie, Ellis County; Rex Cauble of Cauble Ranch, Leon County.

To be Associate Justice of the Court of Civil Appeals for the Fourth Supreme Judicial District: To fill the unexpired term of Judge Jack Pope, resigned: Carlos C. Cadena of San Antonio, Bexar County.

To be a member of the School Land Board, to fill the unexpired term of Wilson Fox, resigned, term to expire September 2, 1965: William S. Lott of Georgetown, Williamson County.

To be Commissioner of Education for the State of Texas, for a term beginning June 1, 1965, and ending May 31, 1969: J. W. Edgar of Austin, Travis County.

To be a member of the State Board of Mansion Supervisors, for a six-year term to expire January 1, 1970: Mrs. Nancy Lee Bass of Fort Worth, Tarrant County.

To be members of the Board of Trustees of the Municipal Retirement System, for six-year terms to expire December 31, 1970: Walter E. Wilkins of Corpus Christi, Nueces County. Jimmie L. Mormon of Mesquite, Dallas County.

#### In Legislative Session

The President called the Senate to order as In Legislative Session at 12:18 o'clock p.m.

**Senate Resolution 519**

The Senate resumed the consideration of the pending business, same being S. R. No. 519.

Question—Shall S. R. No. 519 be adopted?

On motion of Senator Hardeman and by unanimous consent S. R. No. 519 was adopted.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on S. J. R. No. 44: Heatly, Townsend, Nugent, Cowden, Connally.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk House of Representatives

**Senate Concurrent Resolution 77**

Senator Cole by unanimous consent offered the following resolution:

S. C. R. No. 77, Requesting the Coordinating Board, Texas Colleges and University Systems to study the feasibility of creating additional medical school facilities.

Whereas, It is of vital importance to the people of the State of Texas that enough persons receive a medical education to fill adequately the people's needs for medical services; and

Whereas, It is of equal importance that doctors receive the best possible medical education; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that the Coordinating Board, Texas College and University System, be requested to study:

1. The overall needs of the State for any additional medical departments.

2. The most feasible location in the State for any additional medical department.

3. The financial ability of the local

community to provide the necessary clinical facilities.

4. And such other factors as may be pertinent to the establishment and location of a medical department and report its findings and its recommendations to the Governor and the Legislature.

The resolution was read and was referred to the Committee on Insurance.

**Co-Author of Senate Resolution 517**

On motion of Senator Aikin and by unanimous consent Senator Kennard will be shown as co-author of S. R. No. 517.

**Recess**

On motion of Senator Crump the Senate at 12:23 o'clock p.m. took recess until 2:30 o'clock p.m. today.

**After Recess**

The President called the Senate to order at 2:30 o'clock p.m. today.

**Leaves of Absence**

Senator Bates was granted leave of absence for today on account of important business on motion of Senator Word.

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Rogers.

**Message From the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 467, A bill to be entitled "An Act relating to removing the territory of a school district from a county junior college district or a union junior college district lying wholly within one county under certain conditions; adding Sections 19a and 19b to Chapter 290, Acts of the 41st Legislature, Regular Session, 1929, as amended; and declaring an emergency."

(With amendments.)

S. B. No. 33, A bill to be entitled

"An Act relating to travel and per diem allowances for members of the State Soil Conservation Board, district supervisors, and delegates and alternates to the State District Conservation Conventions; changing the time supervisors are elected; deleting obsolete provisions relating to delegates to the State District Conservation Conventions; etc.; and declaring an emergency."

S. B. No. 165, A bill to be entitled "An Act relating to developing outdoor recreation resources and facilities and authorizing participation in federal development programs; and declaring an emergency."

(With amendment.)

S. B. No. 170, A bill to be entitled "An Act relating to the compensation of the district attorney of the 19th, 54th and 74th Judicial Districts; and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act to grant and convey to the City of Waco the bed, banks and islands in the Brazos River and that part of the Bosque River downstream from the Waco Dam which is within the city limits of the City of Waco; fixing the consideration for the grant; reserving all of the oil, gas and sulphur therein to the state; providing an effective date; providing a severability clause; repealing laws in conflict; and declaring an emergency."

(With amendment.)

S. B. No. 192, A bill to be entitled "An Act relating to the compensation of the Commissioners of San Patricio County Conservation and Reclamation District No. 1; and declaring an emergency."

S. B. No. 202, A bill to be entitled "An Act amending Article 11.04 of Chapter 11 of the Insurance Code (Acts of 1951, 52nd Legislature, Chapter 491) by providing that the first annual meeting of all of the policyholders be changed from the second Tuesday in March after it shall have received a certificate of authority to transact business of life insurance and annually thereafter, to the fourth Tuesday in April after it shall have received a certificate of authority to transact the business of life insurance, and annually thereafter, or to such other day prior to April 30 of each year after the first year as the bylaws of the company may pre-

scribe; etc.; and declaring an emergency."

S. B. No. 212, A bill to be entitled "An Act authorizing the Board of Regents of East Texas State College to exchange certain state-owned land for certain land owned by Mr. Lloyd J. Wilkins of Commerce, Hunt County, Texas; and declaring an emergency."

S. B. No. 217, A bill to be entitled "An Act authorizing certain members of the 57th Legislature to become members of the retirement system for state employees; amending Subsection B, Section 3, Chapter 352, Acts of the 50th Legislature, 1947, as amended; and declaring an emergency."

S. B. No. 259, A bill to be entitled "An Act to amend acts of the fifty-seventh Legislature, Acts 1961, Chapter 486, Page 1084 (codified as Article 8247b-1 of Vernon's Texas Civil Statutes Annotated) to make the provisions thereof applicable and available to any navigation district heretofore or hereafter organized and operating in the State of Texas; and declaring an emergency."

(With amendments.)

S. B. No. 280, A bill to be entitled "An Act amending Subsections (b) and (e), Section 47, Texas Probate Code relating to the distribution of community property and the proceeds from certain insurance policies in the case of simultaneous death; and declaring an emergency."

(With amendments.)

S. B. No. 292, A bill to be entitled "An Act authorizing the Board of Directors of Texas A&M University to convey flood control easements over land under the jurisdiction and control of the Board of Directors, to Water Control and Improvement Districts of this State; making other provisions relating thereto; and declaring an emergency."

S. B. No. 328, A bill to be entitled "An Act applicable to certain cities and water control and improvement districts; authorizing any such district to sell and such city to purchase certain district water and sewer properties; authorizing the city to issue its water and sewer system revenue bonds to purchase such properties; etc.; and declaring an emergency."

S. B. No. 330, A bill to be entitled

"An Act relating to the salary of the Judge of the County Court No. 2 of Galveston County; amending Section 9, Chapter 187, Acts of the 53rd Legislature, Regular Session, 1953, as amended; and declaring an emergency."

S. B. No. 367, A bill to be entitled "An Act authorizing and directing the Board for Texas State Hospitals and Special Schools or such agency as may hereafter have control and management of said property to execute and deliver to the City of Galveston an easement to a tract of land in Galveston County for the purpose of installing, constructing and building a package type sewage treatment plant on or over land owned by the State of Texas for the use and benefit of the Moody State School for Cerebral Palsied Children; and declaring an emergency."

(With amendments.)

S. B. No. 381, A bill to be entitled "An Act amending Section 10 of the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the 43rd Legislature (1934), page 19; etc.; and declaring an emergency."

S. B. No. 400, A bill to be entitled "An Act amending Senate Bill No. 273, Acts of the 54th Legislature, Regular Session, 1955, Chapter 258, codified as Article 199-9 of Vernon's Civil Statutes, by adding a new section thereto, to be numbered Sec. 10A, to provide for transfer of cases, both civil and criminal, between the Ninth Judicial District of Texas and the Second Ninth Judicial District of Texas and making other provisions relating to organization, jurisdiction and handling of cases in said Courts, and declaring an emergency."

S. B. No. 401, A bill to be entitled "An Act relating to the terms of office of School Trustees in certain school districts, choosing terms by lots; providing for subsequent elections and filling of vacancies; providing that provisions of this Act shall be cumulative; and declaring an emergency."

S. B. No. 424, A bill to be entitled "An Act relating to the fixing minimum and maximum salary of the Official Shorthand Reporter for the 97th

Judicial District of Texas; and declaring an emergency."

S. B. No. 452, A bill to be entitled "An Act conferring the right of eminent domain on the Texas Board of Corrections; and declaring an emergency."

S. B. No. 458, A bill to be entitled "An Act to amend the airport zoning Act of 1947, Acts of the 50th Legislature, Regular Session, Chapter 391, Page 748 (compiled as Article 46e, of Vernon's Texas Civil Statutes), as amended, to make the provision thereof applicable to any installation related to flight, including installations for tracking and/or data acquisition, making all other provisions of the act applicable to such installations and operations and regulating the use of property under the provisions of the airport zoning act within a five-mile radius of the airport or installation related to flight; and declaring an emergency."

S. B. No. 460, A bill to be entitled "An Act establishing The Juvenile Court of Harris County; repealing Chapter 186, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

(With amendments.)

S. B. No. 490, A bill to be entitled "An Act repealing section 106(a) of Article XIII of the Uniform Act Regulating Traffic on Highways, as heretofore amended (being codified as section 106(a) of Article 6701d of Vernon's Civil Statutes) to the extent, and only to the extent of its conflict with Senate Bill 3, Acts Regular Session 59th Legislature; repealing all other laws and parts of laws to the extent, and only to the extent of their conflict with the aforesaid Senate Bill 3; and declaring an emergency."

S. B. No. 27, A bill to be entitled "An Act amending Article 353b of the Penal Code of the State of Texas, 1925, as amended; making it unlawful for any person accused or convicted of a felony and confined in prison to escape therefrom or from the lawful custody of any officer, or any other person authorized by law to have such prisoner in his custody; defining terms, prescribing a penalty for violation thereof; enacting other provisions relating to the subject; and declaring an emergency."

(With amendments.)

S. B. No. 78, A bill to be entitled "An Act to amend Subsection (j) to Section 1, Acts, 1929, Regular Session, Chapter 314, Page 698, as amended (codified as Article 911b, Title 25, Vernon's Annotated Revised Civil Statutes of Texas), so as to exclude from the term transporting property for compensation or hire equipment furnished by the owner thereof, by lease, and when, during the same period of time the owner of the equipment furnished is employed to operate such equipment, and when such equipment and driver are to be used exclusively in the transportation of sand, gravel, dirt caliche, shell, asphalt rock, crushed stone, hot-mix asphaltic concrete (not liquid asphalt), and aggregate, in bulk, when such substances are being transported to or from the job site of any construction project for or on behalf of the Federal Government, the State of Texas, or any political subdivision thereof, or to or from the construction site of any national defense project or airport and roadways leading thereto, or to or from the construction site of any road, highway and expressway, and declaring an emergency."

(With amendment.)

S. B. No. 132, A bill to be entitled "An Act authorizing the Parks and Wildlife Commission to quitclaim the state's interest in Independence State Park, known as the Old Baylor property, to Baylor University; and declaring an emergency."

S. B. No. 163, A bill to be entitled "An Act amending Senate Bill No. 36, Page 544, General Laws of the State of Texas, Forty-sixth Legislature, Regular Session, 1939, as amended, by adding a new Section to be known as Section 6-A, designating the State Department of Public Welfare as the State Agency to cooperate with the Federal Government in the administration of the provisions of Title V of the 'Economic Opportunity Act of 1964' and of the provisions of any such other applicable titles of said Act, or any such other titles as may be added thereto; authorizing the State Department of Public Welfare to cooperate with the Department of Health, Education, and Welfare or any other Federal Agency authorized to administer such Act; etc.; and declaring an emergency."

S. B. No. 205, A bill to be entitled

"An Act to amend Chapter 21 of the Insurance Code (Acts 1951, 52nd Leg., Chap. 491, as amended) by adding thereto a new Article to be designated Article 21.48 providing that said Article shall be known as the 'Insurance Company Insider Trading and Proxy Regulation Act'; etc.; and declaring an emergency."

(With amendments.)

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### House Concurrent Resolution 95 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 95, Commending Mr. Cletus Grady.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 82

The President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 82, Pertaining to the retention of the permanently organized Army Reserve divisions in Texas.

The resolution was read.

On motion of Senator Harrington and by unanimous consent the resolution was considered immediately and was adopted.

#### Motion to Adjourn

Senator Creighton moved that the Senate stand adjourned until 10:30 o'clock a.m. on Monday, April 26, 1965.

Question on the motion to adjourn. Yeas and Nays were demanded.

The motion was lost by the following vote:

Yeas—12

Aikin	Hardeman
Blanchard	Kazen
Calhoun	Krueger
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan



## Nays—13

Cole	Patman
Dies	Richter
Hall	Rogers
Harrington	Snelson
Herring	Strong
Hightower	Word
Kennard	

## Absent

Hazlewood	Spears
Moore	Watson

## Absent—Excused

Bates	Schwartz
-------	----------

## Senate Bill 467 With House Amendment

Senator Rogers for Senator Schwartz called S. B. No. 467 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

## Committee Amendment No. 1

Amend Senate Bill No. 467 by renumbering Sections 1 and 2 as Sections 2 and 3 and adding a new Section 1 to read as follows:

## "Section 1. Legislative Policy.

The Legislature recognizes that Union Junior Colleges are a voluntary association of school districts where information regarding their creation has been freely and publicly disseminated.

The policy of the Legislature expressed in this Act is to correct certain injustices which can occur when there has been a lack of free and public dissemination of full and accurate information regarding the creation of a Union Junior College District. It is not the intention of this Legislature to weaken the integrity or structure of the Junior College System, to interfere with the boundaries of presently functioning Union Junior College districts, nor to establish legislative precedent for removing territory from Union Junior College districts, now in existence or to be created in the future."

The amendment was read.

Senator Rogers moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

## Yeas—26

Aikin	Kazen
Blanchard	Kennard
Calhoun	Krueger
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Snelson
Harrington	Strong
Herring	Watson
Hightower	Word

## Absent

Hazlewood	Spears
Moore	

## Absent—Excused

Bates	Schwartz
-------	----------

## House Bill 97 on Second Reading

The President laid before the Senate as Unfinished Business on its second reading and passage to third reading H. B. No. 97. (The bill having been read the second time on Thursday, April 1, 1965, and Laid on the Table Subject to Call, again Laid before the Senate on Wednesday, April 14, 1965, and amended, with an amendment by Senator Parkhouse pending).

Question—Shall the amendment by Senator Parkhouse to H. B. No. 97 be adopted?

## Motion to Adjourn

Senator Creighton moved that the Senate stand adjourned until 10:30 o'clock a.m. on Monday, April 26, 1965.

Question on the motion to adjourn, Yeas and Nays were demanded.

The motion to adjourn was lost by the following vote:

## Yeas—12

Aikin	Krueger
Calhoun	Moore
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan
Hardeman	Watson

## Nays—16

Blanchard	Dies
Cole	Hall

Harrington	Richter
Herring	Rogers
Hightower	Snelson
Kazen	Spears
Kennard	Strong
Patman	Word

Absent

Hazlewood

Absent—Excused

Bates                      Schwartz

**House Bill 97 on Second Reading**

The Senate resumed the consideration of the pending business, same being H. B. No. 97 on its second reading with an amendment by Senator Parkhouse pending.

Question—Shall the amendment by Senator Parkhouse to H. B. No. 97 be adopted?

Senator Patman moved to table the amendment by Senator Parkhouse.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—20

Aikin	Kennard
Blanchard	Krueger
Cole	Patman
Colson	Richter
Dies	Rogers
Hall	Snelson
Harrington	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Nays—7

Calhoun	Parkhouse
Creighton	Ratliff
Crump	Reagan
Hardeman	

Absent

Hazlewood              Moore

Absent—Excused

Bates                      Schwartz

Senator Calhoun offered the following amendment to the bill:

Amend H. B. No. 97 by deleting all of Sec. 11, and renumbering the succeeding Sections.

The amendment was read.

Senator Patman moved to table the amendment.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table was lost by the following vote:

Yeas—13

Cole	Richter
Hall	Rogers
Harrington	Snelson
Herring	Spears
Hightower	Strong
Kennard	Watson
Patman	

Nays—14

Aikin	Hardeman
Blanchard	Kazen
Calhoun	Krueger
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan
Dies	Word

Absent

Hazlewood              Moore

Absent—Excused

Bates                      Schwartz

Question recurring on the adoption of the amendment by Senator Calhoun, the amendment was adopted.

Senator Calhoun offered the following amendment to the bill:

Amend H. B. 97 by striking all of Section 6 and renumbering the succeeding Sections.

The amendment was read.

Senator Patman moved to table the amendment.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—14

Cole	Patman
Hall	Richter
Harrington	Rogers
Herring	Snelson
Hightower	Spears
Kazen	Strong
Kennard	Watson

**Nays—13**

Aikin	Hazlewood
Blanchard	Krueger
Calhoun	Parkhouse
Colson	Ratliff
Creighton	Reagan
Crump	Word
Hardeman	

**Absent**

Dies	Moore
------	-------

**Absent—Excused**

Bates	Schwartz
-------	----------

**Leave of Absence**

Senator Watson was granted leave of absence for the remainder of the day on account of important business on motion of Senator Word.

**House Bill 97 on Second Reading**

The Senate resumed the consideration of the pending business, same being H. B. No. 97 on second reading.

Question on the passage of H. B. No. 97 to third reading, Yeas and Nays were demanded.

The bill was passed to third reading by the following vote:

**Yeas—19**

Aikin	Krueger
Blanchard	Patman
Cole	Reagan
Dies	Richter
Hall	Rogers
Harrington	Snelson
Herring	Spears
Hightower	Strong
Kazen	Word
Kennard	

**Nays—8**

Calhoun	Hardeman
Colson	Hazlewood
Creighton	Parkhouse
Crump	Ratliff

**Absent**

Moore
-------

**Absent—Excused**

Bates	Watson
Schwartz	

**Motion to Place****House Bill 97 on Third Reading**

Senator Patman moved that the

Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 97 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of Senate present):

**Yeas—18**

Aikin	Kennard
Cole	Krueger
Crump	Patman
Dies	Richter
Hall	Rogers
Harrington	Snelson
Herring	Spears
Hightower	Strong
Kazen	Word

**Nays—9**

Blanchard	Hazlewood
Calhoun	Parkhouse
Colson	Ratliff
Creighton	Reagan
Hardeman	

**Absent**

Moore
-------

**Absent—Excused**

Bates	Watson
Schwartz	

**Conference Committee Report on House Joint Resolution 8**

Senator Dies submitted the following Conference Committee Report on H. J. R. No. 8:

Austin, Texas,  
April 1, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. J. R. No. 8, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

**DIES**  
**AIKIN**  
**HARDEMAN**  
**RATLIFF**  
**BLANCHARD**

On the part of the Senate.

TRAEGER  
SCHILLER  
HAINES  
CLAYTON  
SIMPSON

On the part of the House.

H. J. R. No. 8,

Proposing an amendment to Section 24, Article III and Section 17 of Article IV of the Constitution of the State of Texas, to allow an annual salary in an amount to be fixed by the Legislature for the Lieutenant Governor and for the Speaker of the House of Representatives, and increasing the per diem allowance of Members of the Legislature.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 24 of Article III of the Constitution of the State of Texas be amended to read as follows:

"Section 24. Representatives shall receive from the Public Treasury an annual salary of not exceeding Four Thousand, Eight Hundred Dollars (\$4,800) per year. Senators shall receive from the Public Treasury an annual salary of not exceeding Four Thousand, Eight Hundred Dollars (\$4,800) per year. The Lieutenant Governor and the Speaker of the House of Representatives shall receive from the Public Treasury an annual salary in an amount to be fixed by the Legislature. All Members of the Legislature, including the Lieutenant Governor and the Speaker of the House of Representatives, also shall receive from the Public Treasury a per diem of not exceeding Twenty Dollars (\$20) per day for the one hundred and forty (140) days of each Regular Session and for thirty (30) days of each Special Session of the Legislature. No Regular Session shall be of longer duration than one hundred and forty (140) days. This amendment shall be self-enacting and appropriations heretofore made in the general appropriations bill for the biennium ending August 31, 1967, for the salaries of the Lieutenant Governor and Speaker of the House of Representatives shall not be invalid because of the anticipatory nature of the legislation.

"In addition to the per diem the Members of each House shall be entitled to mileage in going to and returning from the seat of Government,

which mileage shall not exceed Two Dollars and Fifty Cents (\$2.50) for every twenty-five (25) miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller to each county seat now or hereafter to be established; no Member to be entitled to mileage for any extra Session that may be called within one (1) day after the adjournment of the Regular or Called Session."

Sec. 2. That Section 17 of Article IV of the Constitution of the State of Texas be amended to read as follows:

"Section 17. If, during the vacancy in the offices of Governor, the Lieutenant Governor should die, resign, refuse to serve, or be removed from office, or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the Government until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant Governor shall, while he acts as President of the Senate, receive for his services an annual salary in an amount to be fixed by the Legislature and the same mileage which shall be allowed to the Members of the Senate, and no more; and during the time he administers the Government, as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The President, for the time being, of the Senate, shall, during the time he administers the Government, receive in like manner the same compensation, which the Governor would have received had he been employed in the duties of his office."

Sec. 3. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday following the first Monday in November, 1965, at which election all ballots shall have printed thereon the following:

"FOR the Constitutional Amendment allowing an annual salary in an amount to be fixed by the Legislature for the Lieutenant Governor and for the Speaker of the House of Representatives and allowing a per diem for Members of the Legislature not to exceed Twenty Dollars (\$20) per day for the 140 days of each Regular

Session and 30 days of each Special Session."

"AGAINST the Constitutional Amendment allowing an annual salary in an amount to be fixed by the Legislature for the Lieutenant Governor and for the Speaker of the House of Representatives and allowing a per diem for Members of the Legislature not to exceed Twenty Dollars (\$20) per day for the 140 days of each Regular Session and 30 days for each Special Session."

Sec. 4. The Governor of Texas shall issue the necessary proclamation for the election and this amendment shall be published in the manner and for the length of time as required by the Constitution and laws of this State.

The Conference Committee Report was read and was adopted by the following vote:

**Yeas—25**

Aikin	Kazen
Blanchard	Kennard
Calhoun	Krueger
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Snelson
Hardeman	Spears
Harrington	Strong
Herring	Word
Hightower	

**Nays—1**

Parkhouse

**Absent**

Hazlewood                      Moore

**Absent—Excused**

Bates                              Watson  
Schwartz

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Con-

ference Committee Report on H. J. R. No. 8 by a vote of 127 Ayes, 8 Noes.

Respectfully submitted,

**DOROTHY HALLMAN,**  
Chief Clerk, House of Representatives

**Reports of Standing Committee**

Senator Creighton by unanimous consent submitted the following reports:

April 22, 1965.  
Austin, Texas,

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred S. B. No. 110, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

**CREIGHTON, Chairman.**

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 301, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

**CREIGHTON, Chairman.**

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred S. B. No. 214, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

**CREIGHTON, Chairman.**

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 199, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

**CREIGHTON, Chairman.**

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 158, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 509, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 541, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 740, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 818, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 911, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 327, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

CREIGHTON, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 326, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

CREIGHTON, Chairman.

#### House Bill 740 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 740 was ordered not printed.

#### House Bill 818 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 818 was ordered not printed.

#### House Bill 153 on Second Reading

On motion of Senator Richter and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 153, A bill to be entitled "An Act raising the prima facie maximum speed limit for certain trucks, amending Subdivision 4, Subsection (a), Section 166, Chapter 421, Acts

of the 50th Legislature, 1947, as amended; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### Record of Votes

Senators Herring, Hardeman, Krueger, Dies, Patman, Cole, Hall, and Word asked to be recorded as voting "Nay" on the passage of H. B. No. 153 to third reading.

#### Motion to Place House Bill 153 on Third Reading

Senator Richter moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 153 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

#### Yeas—18

Aikin	Parkhouse
Blanchard	Ratliff
Calhoun	Reagan
Colson	Richter
Creighton	Rogers
Dies	Snelson
Hall	Spears
Harrington	Strong
Hightower	Word

#### Nays—7

Cole	Kazen
Crump	Krueger
Hardeman	Patman
Herring	

#### Absent

Hazlewood	Moore
Kennard	

#### Absent—Excused

Bates	Watson
Schwartz	

#### House Concurrent Resolution 66 on Second Reading

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

H. C. R. No. 66, Recommending a

comprehensive public education program on the effects of certain drugs.

The resolution was read and was adopted.

#### House Resolutions on First Reading

The following resolutions received from the House, were read the first time and referred to the Committees indicated:

H. J. R. No. 57, to the Committee on Constitutional Amendments.

H. C. R. No. 72, to the Committee on Jurisprudence.

H. C. R. No. 71, to the Committee on Jurisprudence.

H. C. R. No. 32, to the Committee on Jurisprudence.

#### Leave of Absence

Senator Harrington was granted leave of absence for the remainder of today on account of important business on motion of Senator Word.

#### Committee Substitute House Bill 604 on Second Reading

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 604, A bill to be entitled "An Act repealing Article 6377 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 638, page 1405, Acts of the Forty-Seventh Legislature, Regular Session, 1941, and repealing Article 6378 of the Revised Civil Statutes of Texas, 1925, relating to the forming of a passenger train, brakes and brakemen, and declaring an emergency."

The bill was read second time and passed to third reading.

#### Record of Votes

Senators Herring, Kazen, Word, Cole and Kennard asked to be recorded as voting "Nay" on the passage of C. S. H. B. No. 604 to third reading.

#### Committee Substitute House Bill 604 on Third Reading

Senator Ratliff moved that the

Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 604 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—19**

Aikin	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Crump	Rogers
Dies	Strong
Hardeman	Word
Hightower	

**Nays—4**

Hall	Kazen
Herring	Kennard

**Absent**

Hazlewood	Snelson
Moore	Spears

**Absent—Excused**

Bates	Schwartz
Harrington	Watson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Record of Votes**

Senators Word, Dies, Kazen, Hall, Blanchard, Herring, Kennard and Rogers asked to be recorded as voting "Nay" on final passage of C. S. H. B. No. 604.

**House Bill 431 on Second Reading**

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 431, A bill to be entitled "An Act relating to the construction and maintenance of private roads by counties with fewer than 16,001 persons, and declaring an emergency."

The bill was read the second time.

Senator Word offered the following committee amendment to the bill:

"Amend H. B. No. 431 by striking Section 1 and substituting in lieu thereof the following:

Section 1. The county commissioners court of a county which has more than 6,400 persons but fewer than 6,430 persons, of a county which has more than 8,000 persons but fewer than 8,040 persons, of a county which has more than 10,670 persons but fewer than 10,900 persons, of a county which has more than 11,260 persons but fewer than 11,950 persons, of a county which has more than 16,160 persons but fewer than 16,285 persons, of a county which has more than 20,000 persons but fewer than 21,000 persons, and of a county which has more than 34,550 persons but fewer than 35,000 persons, all according to the last preceding federal census, by order, may authorize a commissioner of the county to direct the use of county employees and equipment to construct and maintain any private road in his precinct, when requested to do so in writing by a person owning an interest in the private road or in the land on which the private road is to be constructed."

The Committee Amendment was read and was adopted.

On motion of Senator Word and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**Record of Vote**

Senator Herring asked to be recorded as voting "Nay" on the passage of H. B. No. 431 to third reading.

**House Bill 431 on Third Reading**

Senator Word moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 431 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—23**

Aikin	Blanchard
-------	-----------



Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Snelson
Hardeman	Spears
Hightower	Strong
Kazen	Word
Krueger	

Nays—1

Herring

Absent

Hazlewood	Moore
Kennard	

Absent—Excused

Bates	Schwartz
Harrington	Watson

The President then laid the bill before the Senate on third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—23

Aikin	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Crump	Rogers
Dies	Snelson
Hall	Spears
Hardeman	Strong
Hightower	Word
Kazen	

Nays—1

Herring

Absent

Hazlewood	Moore
Kennard	

Absent—Excused

Bates	Schwartz
Harrington	Watson

**House Bill 655 on Second Reading**

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 655, A bill to be entitled

"An Act amending Chapter 88, Acts 41st Legislature, Second Called Session, 1929, as amended, to provide for establishment and issuance of special personalized prestige license plates; providing for an annual fee of Ten (\$10.00) Dollars; authorizing the Highway Department to establish and promulgate procedures for application for an issuance of such plates; preventing duplication and setting priorities; providing for disposition of funds; and declaring an emergency."

The bill was read second time and passed to third reading.

**House Bill 655 on Third Reading**

Senator Hall moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 655 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Kazen
Blanchard	Krueger
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Snelson
Hardeman	Spears
Hazlewood	Strong
Herring	Word
Hightower	

Absent

Kennard	Moore
---------	-------

Absent—Excused

Bates	Schwartz
Harrington	Watson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Message from the House**

Hall of the House of Representatives  
Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 101, Suspending Joint Rules of the House and Senate.

S. B. No. 310, A bill to be entitled "An Act providing for the issuance of bonds and the establishment of a loan program for students of institutions of higher education pursuant to Section 49-e, Article III, Constitution of the State of Texas; and declaring an emergency."

(With amendments.)

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk, House of Representatives

#### House Concurrent Resolution 101 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 101, Suspending the Joint Rules of the House and Senate.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

#### Leave of Absence

Senator Snelson was granted leave of absence for the remainder of today on account of important business on motion of Senator Word.

#### House Bill 215 on Second Reading

On motion of Senator Hightower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 215, A bill to be entitled "An Act relating to exceptions to the Texas Motor Vehicle Safety-Responsibility Act; amending Section 33, Chapter 498, Acts of the 52nd Legislature, 1951, and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 215 on Third Reading

Senator Hightower moved that the Constitutional Rule and Senate Rule

32 requiring bills to be read on three several days be suspended and that H. B. No. 215 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—19

Aikin	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Hall	Richter
Hardeman	Rogers
Herring	Strong
Hightower	Word
Kazen	

#### Nays—2

Creighton	Dies
-----------	------

#### Absent

Crump	Moore
Hazlewood	Spears
Kennard	

#### Absent—Excused

Bates	Snelson
Harrington	Watson
Schwartz	

#### Vote on House Bill 215 Reconsidered

On motion of Senator Hightower and by unanimous consent, the vote by which the Constitutional three-day rule on H. B. No. 215 was suspended was reconsidered.

On motion of Senator Hightower and by unanimous consent the vote by which H. B. No. 215 was passed to third reading was reconsidered.

Question—Shall H. B. No. 215 be passed to third reading?

Senator Hightower offered the following Committee Amendment to the bill:

Amend House Bill 215 by striking all below the enacting clause and substituting the following:

"Section 1. Section 33, Chapter 498, Acts of the 52nd Legislature, 1951 (Section 33, Article 6701h, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 33. Exceptions. This Act shall not apply with respect to any motor vehicle owned by the United States, the State of Texas or any political

subdivision of this State, or any municipality therein, nor to the officers, agents or employees of the United States, the State of Texas, or any political subdivision of the State, while driving said vehicle in the course of their employment; provided, however, that the operator of every motor vehicle specified herein shall comply with the provisions of Section 4 of this Act; nor, except for Sections 4 and 26 of this Act, with respect to any motor vehicle which is subject to the requirements of Articles 911a (Sec. 11) and 911b (Sec. 13) of the Revised Civil Statutes of Texas; provided, however, that nothing in this Act shall be construed so as to exclude from this Act its applicability to taxicabs, jitneys, or other vehicles for hire, operating under franchise or permit of any incorporated city, town or village."

Sec. 2. The fact that the employees of the United States, the State of Texas and its political subdivisions, are having difficulty in obtaining the necessary releases so they may continue their employment when a publicly-owned motor vehicle is involved in an accident, creates an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Committee Amendment was read and was adopted.

On motion of Senator Hightower and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### Record of Votes

Senators Creighton, Dies and Rogers asked to be recorded as voting "Nay" on the passage of H. B. No. 215 to third reading.

#### House Bill 215 on Third Reading

Senator Hightower again moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 215 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—17

Aikin	Krueger
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Crump	Reagan
Hardeman	Richter
Herring	Strong
Hightower	Word
Kazen	

#### Nays—4

Creighton	Hall
Dies	Rogers

#### Absent

Blanchard	Moore
Hazlewood	Spears
Kennard	

#### Absent—Excused

Bates	Snelson
Harrington	Watson
Schwartz	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Record of Votes

Senators Dies, Creighton and Rogers asked to be recorded as voting "Nay" on the final passage of H. B. No. 215.

#### House Bill 409 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 409, A bill to be entitled "An Act amending Section 1, Chapter 18, Acts of the 50th Legislature, 1947; authorizing counties, or any other political subdivision of this State, or any political subdivision of counties to make, and the State Highway Commission to accept, voluntary contributions of funds for expenditures by the State Highway Commission in the proper development and construction of the public roads and State Highway System within such county, or any other political subdi-

vision of this State, or political subdivision of any county; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 409 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 409 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—22

Aikin	Hightower
Blanchard	Kazen
Calhoun	Krueger
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Strong
Herring	Word

#### Absent

Hazlewood	Moore
Kennard	Spears

#### Absent—Excused

Bates	Snelson
Harrington	Watson
Schwartz	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—23

Aikin	Kazen
Blanchard	Kennard
Calhoun	Krueger
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Strong
Herring	Word
Hightower	

#### Absent

Hazlewood	Spears
Moore	

#### Absent—Excused

Bates	Snelson
Harrington	Watson
Schwartz	

#### House Bill 268 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 268, A bill to be entitled "An Act amending Section 2 and Section 4 of House Bill No. 754, Acts of the Regular Session, Forty-ninth Legislature, providing a distinction between crippled children and needy children; etc.; and declaring an emergency."

The bill was read second time and passed to third reading.

#### House Bill 268 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 268 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—23

Aikin	Kazen
Blanchard	Kennard
Calhoun	Krueger
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Strong
Herring	Word
Hightower	

#### Absent

Hazlewood	Spears
Moore	

#### Absent—Excused

Bates	Snelson
Harrington	Watson
Schwartz	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Resolution Signed**

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 96, Suspending Joint Rules of House and Senate to consider a Senate Joint Resolution on Wednesday, April 21, 1965.

**House Bill 48 on Second Reading**

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 48, A bill to be entitled "An Act relating to the exemption of the children of certain firemen, peace officers, and game wardens from payment of tuition and other fees at state institutions of higher education; and declaring an emergency."

The bill was read second time.

Senator Colson offered the following amendment to the bill:

Amend H. B. 48 by inserting the following: "or a custodial employee of the Texas Department of Correction," after the words "peace officer," wherever they appear in the bill.

The amendment was read and was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

**House Bill 48 on Third Reading**

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 48 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—22**

Aikin	Cole
Blanchard	Colson
Calhoun	Creighton

Crump	Krueger
Dies	Parkhouse
Hall	Patman
Hardeman	Reagan
Herring	Richter
Hightower	Rogers
Kazen	Strong
Kennard	Word

**Absent**

Hazlewood	Ratliff
Moore	Spears

**Absent—Excused**

Bates	Snelson
Harrington	Watson
Schwartz	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Senate Bill 259 with House Amendment**

Senator Reagan called S. B. No. 259 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend Section 1 of Senate Bill No. 259 to read as follows:

Section 1. Section 1, Chapter 486, Acts of the 57th Legislature, Regular Session, 1961 (Section 1, Article 8247b-1, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. The board of Navigation and Canal Commissioners of any navigation district heretofore or hereafter organized and operating in the State of Texas which owns, operates and maintains wharfs, docks, piers, sheds, warehouses and other similar terminal facilities not situated within the boundaries of any incorporated city, town or village of this State, for the purpose of protecting the said property so situated and of promoting the health, safety and general welfare of that portion of the general community using said properties and facilities, shall be and they are hereby empowered to pass, publish, amend or repeal all ordinances, rules and police regulations not contrary to the

constitution or laws of this State that may be necessary or proper to carry into effect the powers vested by this Act in said navigation districts for such purposes; such powers that may be exercised by any such navigation district for such purposes and with respect to any of its properties not situated within the corporate limits of any city, town or village of this State shall include:

"(a) To control the operation of all character of vehicles using the roads maintained by said navigation districts other than such roads that have been or may be hereafter dedicated to public use by formal dedication but not otherwise and to prescribe the speed, lighting, and other requirements of the same.

"(b) To prohibit loitering on its docks, wharves, piers, warehouses, sheds or other properties.

"(c) To control the operation of all character of vessels using their harbors, turning basins, basins or navigable channels, and to prescribe the speed, lighting, and other requirements of same.

"(d) To prohibit smoking, the use of flares, open fires, and inflammable, highly combustible, or explosive substances and materials on their docks, wharves, piers, warehouses, sheds and other properties, or on such parts of such properties and at such times or during such periods as may, in the judgment of the governing body of any such navigation districts, be determined to be dangerous to any of such properties or inimical to the safety or general welfare of that portion of the general community using such properties or parts thereof.

"(e) To prevent on any of said properties all trespasses, breaches of the peace and good order, assaults and batteries, fighting, quarrels, using abusive, profane or insulting language, all disorderly conduct, and all misdemeanor thefts and to punish all persons thus offending.

"(f) To suppress and prevent any riot, affray, disturbance or disorderly assembly on any of said properties.

"(g) To license and regulate or suppress and prevent hawkers and peddlers utilizing or attempting to utilize said roads and other properties of any of said navigation districts."

The House amendment was read.

Senator Reagan moved that the

Senate concur in the House amendment.

The motion prevailed.

#### Senate Bill 165 with House Amendment

Senator Reagan called S. B. No. 165 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend Senate Bill 165 by changing the period at the end of the last sentence in Section 1 to a semi-colon, and adding the following:

"however, if, in the exercise of its power of eminent domain or police power, or any other power, it requires the relocation, raising, lowering, re-routing, or change in grade or alteration in the construction of any railroad, electric transmission, telegraph or telephone lines, conduits, poles, properties or facilities or pipelines, all such relocation, raising, lowering, re-routing, or changes in grade or alteration of construction shall be accomplished at the sole expense of the Parks and Wildlife Department of the State of Texas. The term 'sole expense' shall mean the actual cost of such lowering, re-routing or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after deducting therefrom the net salvage value derived from the old facility."

The House amendment was read.

Senator Reagan moved that the Senate concur in the House amendment.

The motion prevailed.

#### Memorial Resolutions

S. R. No. 521—By Senator Watson: Memorial resolution for J. Beverly Hardin.

S. R. No. 522—By Senator Watson: Memorial resolution for F. H. Miller.

S. R. No. 523—By Senator Watson: Memorial resolution for E. D. Winkler.

S. R. No. 524—By Senator Watson: Memorial resolution for Frank Kimbrough.

S. R. No. 525—By Senator Watson: Memorial resolution for Mrs. A. T. Peck.

S. R. No. 526—By Senator Watson: Memorial resolution for Albert C. Mitchan.

#### Welcome and Congratulatory Resolutions

S. R. No. 520—By Senator Watson: Extending welcome to Les Bryan, Superintendent of Schools of Mart High School.

S. R. No. 527—By Senator Watson: Commending former Senator William A. Blakley as Speaker at Baylor Law Day.

S. R. No. 528—By Senator Herring: Extending welcome to students and teacher of Albert Sidney Johnston High School of Austin.

S. R. No. 529—By Senator Snelson: Extending welcome to Peggy Latham of El Paso, et al.

S. R. No. 530—By Senator Kennard: Extending welcome to students and teachers of Our Lady of Victory School of Fort Worth.

#### Adjournment

On motion of Senator Hardeman the Senate at 4:55 o'clock p.m. adjourned until 10:30 o'clock a.m. on Monday, April 26, 1965.

#### Record of Vote

Senator Patman asked to be recorded as voting "Nay" on the motion to adjourn.

#### APPENDIX

##### Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 48, An Act relating to the appointment, compensation, and duties of a shorthand reporter for the 146th Judicial District of Texas; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
April 22, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. J. R. No. 14, Proposing Amendments to Sections 4, 22 and 23 of Article IV of the Constitution of the State of Texas, so as to provide a four-year term of office for the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Secretary of State; and certain statutory state officers; providing for the necessary election and the form of the ballot; and providing for the necessary proclamation and publication.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

##### Sent to Governor

April 22, 1965

S. B. No. 48

S. C. R. No. 76

S. J. R. No. 14

In Memory of

**Wilber Albert Jones**

---

Senator Hardeman offered the following resolution for Senator Aikin:

(Senate Resolution 517)

Whereas, God in His infinite wisdom has called from these earthly labors Mr. Wilber Albert Jones; and

Whereas, Mr. Jones was born July 7, 1889, in Atlanta, Georgia, and moved to Texas in 1893, where he since resided; and

Whereas, Mr. Jones had more than fulfilled the conditions of a successful life and had made a contribution to his state and nation, which are both better places in which to live because of his having passed this way; and

Whereas, He is survived by his wife; his sons, Rev. J. Melvin Jones, Main Street Methodist Church of Hattiesburg, Mississippi, Dr. Wilford Jones of Alva, Oklahoma, Edward D. Jones of Amarillo, Texas, Dr. A. Rayburn Jones of Birmingham, Alabama; his daughters, Mrs. Coleman Campbell of Texarkana, Texas, and Mrs. R. E. Turrentine of Schenectady, New York, all of whom are outstanding citizens in the communities in which they live; and

Whereas, He was a lifelong member and Steward of the Methodist Church and made a substantial contribution, which is reflected by his fine family, and particularly by his sons who are ministers today and who received much of that inspiration from their father; and

Whereas, It is the desire of the Senate to express our deepest sympathy to members of his family; now, therefore, be it

Resolved, That a copy of this resolution be spread on the Journal and, when the Senate adjourns today, that it do so in honor and respect to this good man.

AIKIN  
KENNARD

The resolution was read and was adopted by a rising vote of the Senate.



**In Memory of**  
**Dan R. Ponder**

---

Senator Snelson offered the following resolution:

(Senate Resolution 518)

Whereas, The untimely death on March 31, 1965, of Dan R. Ponder, former El Paso mayor, businessman and prominent civic leader, was the source of great sorrow to his many friends and business associates in El Paso and the West Texas area; and

Whereas, He was recently honored at a testimonial dinner by the El Paso region of the National Conference of Christians and Jews and received the National Human Relations Award, an award that saluted him for his "distinguished leadership in public business and civic affairs, fostering mutual understanding among people of all religions and ethnic groups," and that messages of acclaim and good wishes came from friends throughout the Southwest, as well as President Lyndon B. Johnson; and

Whereas, He was named "Outstanding Citizen of 1960" by the El Paso Board of Realtors; and

Whereas, He was born in El Paso on November 7, 1907; educated in the El Paso Public Schools, attended Texas College of Mines (now Texas Western College) and graduated from the University of Arizona; and

Whereas, After college he was associated with the El Paso Herald and El Paso Times, after leaving the newspaper business, he joined the R. E. McKee organization and became a key man during the construction boom of World War II, as well as aiding with supervision of the Los Alamos, New Mexico, atomic bomb project; and

Whereas, After resigning from the construction business, he was elected Mayor of El Paso in 1947 and served very ably until 1949; and

Whereas, He held such positions as President of the El Paso Museum of Art, President of Texas Homes, Co-Chairman of the Community Chest, President of the El Paso Chapter of the Associated General Contractors of America, Director of El Paso Chamber of Commerce, and various other positions and memberships too numerous to mention; and

Whereas, Despite his many business, professional and civic activities, he found time for participation in the duties and obligations of his church—St. Patrick's, and he was active in the Knights of Columbus; his Christian attitude toward life was demonstrated by the unselfish sharing of his talents and energies in all phases of civic betterment; and

Whereas, The Senate of the Fifty-Ninth Legislature wishes to pay tribute to this outstanding West Texas citizen; now, therefore, be it

Resolved, That the Senate of the State of Texas, by this Resolution, recognizes the great loss to this State by the death of Dan R. Ponder, and extends its sincere sympathy to the members of his family; and be it further

Resolved, That copies of this Resolution be prepared for his wife, two daughters, and two brothers as a token of the esteem felt for Dan R. Ponder; and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to Dan R. Ponder and that when the Senate adjourns today it do so in his memory.

The resolution was read and was adopted by a rising vote of the Senate.